

REMARKS

Reconsideration of this application in light of the present amendment and remarks is respectfully requested.

Claims 1-3, 5, 11, 12, 15, 16, 18, 22, 23 and 25-27 have been rejected.

Claims 4, 6-10, 13, 14, 17, 19-21 and 24 were previously canceled.

Claim 22 has been canceled, without prejudice.

Claims 1 and 25 have been amended.

Claims 1-3, 5, 11, 12, 15, 16, 18, 23 and 25-27 are pending in this application.

Claims 1-3, 5, 11, 12, 15, 16, 18, 22, 23 and 25-27 have been rejected under 35 U.S.C. §102(e) as being anticipated by Mashinsky (US Publ. 2006/0160543). This rejection is respectfully traversed.

Independent claim 1 has been amended to include portions of claim 25 to clarify that the resource controller is operable to allocate a first radio resource resulting in a first quality of service if the operator corresponds to a cellular communication system operator and a second radio resource resulting in a different quality of service if the operator identity corresponds to a Mobile Virtual Network Operator.

In general, it is known for a resource controller to allocate different radio resources to a subscriber unit upon request. However, applicant respectfully submits that it is not known how network resources are split between different operators. Even if an argument that the availability or lack of availability of a network service corresponding to varying a quality of service is accepted, it is respectfully submitted that such a choice simply illustrates a consequence of a *mobile station* requesting access to different communication networks and not a *resource controller* varying a quality of service in response to an *operator identity*, as recited in amended claim 1.

Furthermore, it is respectfully submitted that the cited art does not comprise any functionality for allocating a first radio resource resulting in a first quality of service if the operator corresponds to a cellular communication system operator and a second radio resource resulting in a different quality of service if the operator identity corresponds to a Mobile Virtual Network Operator. Rather it is respectfully submitted that in the references where MVNOs are supported (Mashinsky para.[0059]), the same processes and procedures are used for call management and resource allocation for the cellular network operator and the MVNO and that any differentiation is provided by marketing, branding, sales channel, distribution etc.

An objective problem solved by the current invention is thus how to allow an improved differentiation between network operators and MVNOs. The current invention solves this problem by allowing a resource allocator in a (single) cellular communication system to provide different quality of service to network operators and MVNOs by allocating resource in response to operator identities. Thus, the current invention allows the same service (e.g. a voice service) to be provided with different quality of service levels for the network operator and MVNOs of the cellular communication system.

It is respectfully submitted, that even if the cited art provides different services for different service providers, it does not describe setting a resource to provide different quality of service for different operators in response to an operator identity. Hence, the present invention allows for the same service to be provided with different quality of service parameters by adjusting the allocated resource in response to an operator identity. It is respectfully submitted that the technical problems and characteristics associated with integrating MVNOs and network operators are substantially different than for providing different services for different service providers. In particular, an MVNO does not operate or control the operation of the network but leaves this to the network operator. Specifically, an MVNO does not operate an independent Home Location Register and therefore cannot be used to provide the different quality of service levels in response to an operator identity corresponding to a network operator or an MVNO.

Mashinsky (para. [0038]-[0040]) discloses an arrangement for dynamic account allocation wherein spectrum network availability is pulled together from different service providers in a central data base. However, it is submitted that this reference clearly fails to disclose a *resource allocator* which allocates resource resulting in different quality of service *in response to an operator identity* and in particular fails to disclose a resource controller allocating a first a resource controller allocating a first radio resource resulting in a first quality of service if the operator corresponds to a cellular communication system operator and a second radio resource resulting in different quality of service if the operator identify corresponds to a MVNO. It thus respectfully submitted that this reference does not disclose a solution to the objective problem.

It is thus respectfully submitted that the cited art fails to disclose, hint or suggest any teaching solving the objective problem and that the claims herewith filed are novel and inventive over the prior art.

In conclusion, it is submitted that all of the Examiner's objection set forth in the communication have been addressed, and that this application now satisfies the requirements of novelty and inventive step over the cited art. Further consideration of the application is requested.

Claims 2-24 are dependent upon amended claim 1, and are therefore deemed novel and inventive as well in view of that dependency.

Moreover, claims 2 and 23 further specifies the application of operator identity, which is not disclosed or envisioned by the cited art.

Claim 11 describes the relation to transmit powers, whereas the cited art only refers to received signal strength (para. [0063]).

Claim 18 describes equipment shared within networks, which is not disclosed or suggested in the cited art.

Independent claim 25 has been amended, in method form, to include all of the recitations of amended claim 1. Therefore, applicant respectfully submits that amended claim 25 is novel and inventive as well for the same reasons.

Claims 26 and 27 are dependent upon amended claim 25, and are therefore deemed novel and inventive as well in view of that dependency.

Moreover, claim 26 further specifies the application of operator identity, which is not disclosed or envisioned by the cited art.

Accordingly, applicant respectfully requests that this rejection be withdrawn.

The other references of record have been reviewed and applicant's invention is deemed patentably distinct and nonobvious over each taken alone or in combination.

For the foregoing reasons, applicants respectfully request that the above rejections be withdrawn.

Inasmuch as this amendment distinguishes all of the applicants' claims over the prior art references, for the many reasons indicated above, passing of this case is now believed to be in order. A Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

Authorization is hereby given to charge any fees necessitated by actions taken herein to Deposit Account 50-2117.

Customer Number 22917

Motorola, Inc.
Law Dept. - 3rd floor
1303 E. Algonquin Rd.
Schaumburg, IL 60196

Respectfully submitted,
Korale et al.

By: /Brian Mancini/
Brian M. Mancini
Attorney for Applicant(s)
Registration No. 39,288
Phone: (847) 576-3992
FAX: (847) 576-3750